IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

FAO.No. 225 of 2004()

AGAINST THE ORDER DATED 07/06/2003 IN IA. 2503 /2002 IN OS.300/1997 of ADDL.SUB COURT, IRINJALAKUDA

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APPELLANT/PETITIONER:

SURESH, S/O. CHARUVIL KRISHNAN,
KIZHUTHANI DESOM, KARALAM VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.K.S.BHARATHAN

RESPONDENTS: RESPONDENTS:
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1. GEORGE ALIAS JOJO,
S/O. ALENGADAN FRANCIS, IRINJALAKUDA DESOM &
VILLAGE, MUKUNDAPURAM TALUK.

2. ANNIE, W/O. GEORGE & JOJO,
IRINJALAKUDA DESOM & VILLAGE,
MUKUNDAPURAM TALUK.

3. FARMA KURIES (PVT) LTD.,
CHAIRMAN THOMAS, S/O.THAIKKATIL MANI,
VELLANIKKARA DESOM, VILLAGE, THRISSUR TALUK.

R2 BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.P.M.BENZIR
SRI.DEEPU LAL MOHAN
R3 BY ADV. SRI.K.RAMACHANDRAN
SRI.P.RAMACHANDRAN

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & V.K.MOHANAN,JJ

F.A.O. No. 225 of 2004

Dated 27th November, 2007.

JUDGMENT

Raman, J.

This appeal is against the order refusing to set aside the order passed in an application for restoration of the suit which was dismissed for default . The suit is one for realisation of money upon a dishonoured cheque and also for setting aside a document. The case was listed on 17-9-2002 on which day the appellant did not appear. Accordingly, the counsel sought for adjournment. But without passing any order, the case was dismissed for default. Thereafter he filed application for restoration stating that he was away at Coimbatore on 17-9-2002 in connection with college admission of his daughter. This was denied by filing counter affidavit. Normally, the appellant ought to have produced some materials to show that his daughter was admitted to a college at Coimbatore. We gave an opportunity to place some materials to support his plea but still nothing is produced before this court also. There is thus no

evidence to show that he was away at Coimbatore on the date of posting. In the circumstance, we find no illegality in the order passed by the court below. Hence the appeal is dismissed.

P.R.Raman, Judge.

V.K.Mohanan, Judge.

kvm/-

V.K.MOHANAN, J.

No....

Judgment/Order

Dated: